

FIRST AMENDMENT TO AGREEMENT
RELATIVE TO CONTROL OF ADVERTISING
ADJACENT TO THE NATIONAL SYSTEM
OF INTERSTATE AND DEFENSE HIGHWAYS

This agreement entered into this 31st day of August, 1964, between the Secretary of Commerce, acting through the Federal Highway Administrator (hereinafter referred to as the "Administrator") and the State of Nebraska, acting through its State Department of Roads (hereinafter referred to as the "State").

WITNESSETH:

WHEREAS, The Administrator and the State entered into an Agreement, dated June 15, 1961, whereby the State agreed to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the National System of Interstate and Defense Highways in accordance with the provisions of 23 U.S.C. 131, the national standards, and

WHEREAS, section 9(a) of the Agreement provides that no outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain after June 30, 1964, in areas adjacent to any segment of the Interstate System which, prior to July 1, 1961, either was completed to the geometric and design standards adopted for that system, or was under contract for completion to such standards, and

WHEREAS, The State has determined that it is in the interest of the State, and the Administrator has determined that it is in the interest of the Federal Government to extend the time within

which areas adjacent to the Interstate System must conform to the provisions of 23 U.S.C. 131 and the national standards;

NOW, THEREFORE, it is hereby mutually agreed:

Sections 9(a) and 9(b) of the Agreement of June 15, 1961, are amended to read as follows:

"(a) No outdoor advertising sign, display, or device which is inconsistent with the Act or the national standards shall be allowed to remain after June 30, 1965, in areas adjacent to any segment of the Interstate System which, prior to July 1, 1961, either was completed to the geometric and design standards adopted for that system, or was under contract for completion to such standards."

"(b) No outdoor advertising sign, display, or device which is inconsistent with the Act or the national standards shall be allowed to remain in areas adjacent to any segment of the Interstate System after July 1, 1965, upon which the State has accepted, as completed, a contract on or after July 1, 1961, for the completion of such segment to the geometric and design standards approved for the Interstate System.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

DEPARTMENT OF ROADS
THE STATE OF NEBRASKA

BY John W. Hossack
Name: John W. Hossack
Title: State Engineer

U. S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

BY Rex M. Whitton
Rex M. Whitton
Federal Highway Administrator

PLAN FOR CONTROLLING OUTDOOR ADVERTISING
IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE
AND DEFENSE HIGHWAYS IN THE STATE OF NEBRASKA

On May 18, 1961, the Governor of the State of Nebraska did approve Legislative Bill 313, which bill contained an emergency clause causing the act to be in full force and take effect upon said approval. That the purpose of said L.B. 313 as stated in its title was:

"A bill for an act to amend sections 39-1320 and 39-1335, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to authorize the Department of Roads to acquire advertising rights along the National System of Interstate and Defense Highways as prescribed; to prescribe the purpose for such acquisition; to authorize agreements with the Secretary of Commerce of the United States as prescribed; to provide for rules and regulations; to provide penalties; to repeal the original sections; and to declare an emergency.

That said L.B. 313 includes all of the Nebraska statutes necessary for the authority to control advertising in areas adjacent to the National System of Interstate and Defense Highways in the State of Nebraska, hereinafter referred to as the Interstate System.

On June 5, 1961, the Department of Roads did adopt, have approved by the Nebraska Attorney General, the Governor of Nebraska and did file a copy of the same with the Nebraska Secretary of State, all as is provided for in Sections 84-901 to 84-908 inclusive, Nebraska Reissue Revised Statutes of 1943. That prior to approval of said rules and regulations the Governor did waive, for good cause shown and under statutory authority the necessity of a public hearing.

That attached to this Plan is a copy of L.B. 313 and copy of the above referred to sections 84-901 to 84-908 inc., also attached and made a part hereof is a copy of the rules and regulations above referred to.

That the Maintenance Engineer has been designated as having direct supervision and administration of control of advertising upon the areas adjacent to the Interstate System, and has been authorized and directed to refer to the Department of Roads, Legal Section, all actions necessary for enforcement of the above referred to rules and regulations as is set forth therein.

The approximate location of that portion of the National System of Interstate and Defense Highways within the State of Nebraska have been shown on appropriate strip maps having a scale of 1" equal one (1) mile. These maps are reproductions of maps submitted August 1, 1960, in connection with the estimate of cost of completing the Interstate System. Prints of these maps, showing these approximate locations of the Interstate Highways, have been color-coded to indicate those sections of the System that are covered by the terms of the Agreement of which this Plan is a part. This color-code also indicates those areas in which it is believed that the State of Nebraska will wish to participate in the Bonus Award for the Control of Outdoor Advertising, that is provided for in the Federal-Aid Highway Act, as amended. These maps have been gathered together in booklet form and entitled, "Maps of Interstate System in Nebraska Showing Control of Outdoor Advertising". A copy of this booklet is attached to and made a part of this plan.

This plan and the attachments hereto that are a part of the Plan, upon approval by the Administrator, will become a part of the Agreement. It is understood and agreed between the parties hereto that the Nebraska Department of Roads may, from time to time, submit additions or amendments to this Plan. If approved by the Administrator, such additions or amendments shall be incorporated in and become a part of the Agreement.

That after July 1, 1961, the Department Right of Way Division will when acquiring right of way, either by purchase or by condemnation, include in the agreement or proceedings provisions for acquiring of advertising rights in the applicable areas. When parts of the applicable areas are owned by persons from whom right of way does not have to be obtained, that the Department right of way shall secure separate agreements for the advertising rights or shall condemn such rights if they cannot be secured by agreement, such separate agreement or proceedings shall be had or secured as nearly as possible to the time of the acquisition of right of way. Upon those segments of the Interstate System where right of way was obtained prior to July 1, 1961, separate agreements or condemnations shall be had in sufficient time to allow for the removal of advertising by June 30, 1964.

Department of Roads' Plan for Controlling Outdoor Advertising In Areas Adjacent to the National System of Interstate and Defense Highways, as herein set forth, is signed for purposes of identification by the Nebraska State Engineer.

June 5, 1961
Date

John W. Hossack
Nebraska State Engineer